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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,794

06/06/2002

Tetsuhiro Sakamoto

7246/64549

7655

530 7590 04/15/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

04/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/019,794	SAKAMOTO, TETSUHIRO	
	Examiner	Art Unit	
	SHAHID KAMAL	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34, 44 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-34, 44 and 58-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/24/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application AFTER FINAL rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the FINALITY of the previous Office action has been WITHDRAWN pursuant to 37 CFR 1.114. Applicant's submission filed on 27 January 2009 has been entered.

Acknowledgements

2. Claims 1-34, 44, and 58-61 are now pending in this application and have been examined.
3. The following is a NON-FINAL Office Action in response to the communication received on 27 January 2009.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 24 March 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3621

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-34, 44, and 58-61 are rejected under 35 U.S.C. 102(b) as anticipated by Walker et al. (US Patent No. 5,794,207) (“Walker”).

7. Referring to claim 1, Walker discloses the following:

a) receiving buying request data (central controller 200) representing a buying order and a buying condition (provide condition 530) for the encryption key (within database 290) for the encrypted digital data (digital goods/c12, 130-48), the buying request data being transmitted through the communication network (electronic network) (see fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51-central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer);

b) receiving selling request data (central controller 200) representing a selling request and a selling condition for the encryption key (within database 290) for the encrypted digital data (digital goods/c12, 130-48), the selling request data being transmitted through the communication network (electronic network) (see fig.9, 10, 14 and c8, 142-49 –central controller receiving selling request data with selling condition from a seller);

c) deciding a transaction price for the encryption key for the digital data (digital goods/c12, 130-48) corresponding to the received buying request data and the selling request data (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and

Art Unit: 3621

d) concluding buying transactions and selling transactions corresponding to the decided transaction price for the encryption key (within database 290) for the encrypted digital data (digital goods/c12, 130-48) (see c9, 117-30 and c34, claim 23);

e) wherein the encrypted digital data (digital goods/c12, 130-48) are converted into usable data by a decryption process performed in accordance with auxiliary digital data (digital goods/c12, 130-48) corresponding to the digital data (digital goods/c12, 130-48), and the auxiliary digital data (digital goods/c12, 130-48) includes validation period data indicating a period in which the encryption key (within database 290) may be used and limit period data indicating a period in which the encrypted digital data may be reproduced (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

8. Referring to claim 2, Walker further discloses storing information with respect to the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).

9. Referring to claim 3, Walker further discloses publicizing information with respect to the selling and the buying transactions through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

Art Unit: 3621

10. Referring to claim 4, Walker further discloses wherein a use of the digital data has been limited (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

11. Referring to claim 5, Walker further discloses wherein the digital data is character data (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).

12. Referring to claim 6, Walker further discloses wherein the digital data is picture data (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

13. Referring to claim 7, Walker further discloses wherein the digital data is audio data (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).

14. Referring to claim 8, Walker further discloses wherein the digital data is program data of a game (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).

15. Referring to claim 9, Walker further discloses storing the digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).

16. Referring to claim 10, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to the decided

Art Unit: 3621

transaction price (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

17. Referring to claim 11, Walker further discloses wherein the decided transaction price is stored in a device that performs a process for the concluding of the selling transactions and the buying transactions as time elapses (see c12, 154-67 –data stores in data storage device-250).

18. Referring to claim 12, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to information regarding people concerned with the selling transactions (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

19. Referring to claim 13, Walker further discloses wherein the information regarding the people concerned contains identification information and personal information of the people (see fig 11, c8, 128-41, c8, 157-65 –identify the buyers information).

20. Referring to claim 14, Walker further discloses publicizing at least part of information regarding a process for the concluding of the selling transactions and the buying transactions through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

21. Referring to claim 15, Walker further discloses wherein at least part of information regarding a process for the concluding of the selling transactions and the buying transactions is stored and the stored information is rewritten (see c12, l54-67 –data stores in data storage device-250).
22. Referring to claim 16, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying price (see c10, l40-56, c16, l46-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).
23. Referring to claim 17, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction execution date (see c10, l40-56, c16, l46-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).
24. Referring to claim 18, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction settlement method (see c10, l40-56, c16, l46-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).
25. Referring to claim 19, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling price (see c10, l40-56, c16, l46-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

26. Referring to claim 20, Walker further discloses wherein [seller side] seller-side data that represents the selling condition is data regarding a selling transaction execution date(see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

27. Referring to claim 21, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling transaction settlement method (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

28. Referring to claim 22, Walker further discloses settling concluded selling transactions and buying transactions and generating data with respect to a paying and receiving process corresponding to a settled result (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

29. Referring to claim 23, Walker further discloses rewriting asset information of personal information of people concerned with settled selling transactions and buying transactions to pay and receive the transaction price with respect to the selling transactions and the buying transactions (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique

Art Unit: 3621

tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

30. Referring to claim 24, Walker further discloses wherein the digital data have been encrypted to limit a use of the digital data; and the digital data are converted into data used by a process performed with auxiliary digital data corresponding to the digital data (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

31. Referring to claim 25, Walker further discloses wherein the transaction price is decided for the auxiliary digital data (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

32. Referring to claim 26, Walker further discloses storing the auxiliary digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).

33. Referring to claim 27, Walker further discloses wherein the conclusion of the selling transactions and the buying transactions is performed corresponding to identification information of the auxiliary digital data (see fig 11, c8, 128-41, c8, 157-65 –identify the buyers information).

Art Unit: 3621

34. Referring to claim 28, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of buyer-side data and a number of seller-side data with respect to the digital data and the auxiliary digital data (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

35. Referring to claim 29, Walker further discloses wherein the number of the buyer-side data and the number of the seller-side data with respect to the digital data and the auxiliary digital data are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

36. Referring to claim 30, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of the digital data and a number of the auxiliary digital data supplied and received (see c12, 18-20 – number of goods receive).

37. Referring to claim 31, Walker further discloses wherein the number of the digital data and the number of the auxiliary digital data supplied and received are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (see c12, 154-67 –data stores in data storage device 250).

Art Unit: 3621

38. Referring to claim 32, Walker further discloses reading the number of the buyer-side data and the number of the seller-side data corresponding to the digital data and the auxiliary digital data and the number of the digital data and the number of the auxiliary digital data supplied and received, the number of the buyer-side data, the number of the seller-side data, the number of the digital data, and the number of the auxiliary digital data having been stored (see c12, 154-67 –data stores in data storage device 250); and deciding a transaction price corresponding to the data read in the reading step (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

39. Referring to claim 31, Walker further discloses reading the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction price decided for the digital data and the auxiliary digital data, the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction price decided for the digital data and the auxiliary digital data having been stored, and deciding the transaction price corresponding to the data read in the reading step (see abstract, c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

40. Referring to claim 34, Walker further discloses transmitting the digital data and the auxiliary digital data regarding the concluded selling transactions and buying transactions to a buyer with respect to the concluded selling transactions and buying transactions through the

Art Unit: 3621

communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

41. Referring to claim 44, Walker discloses the following:

f) receiving buyer-side data that represents a buying order for the digital data and a buying condition through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller);

g) receiving seller-side data that represents a selling order for the digital data and a selling condition through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller);

h) deciding a transaction price of the digital data corresponding to a number and contents of the buyer-side data and a number and contents of the seller-side data (see c12, 154-67 –data stores in data storage device-250); and

i) concluding the selling transactions and the buying transactions corresponding to the transaction price (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

j) wherein the encrypted digital data (digital goods/c12, 130-48) are converted into usable data by a decryption process performed in accordance with auxiliary digital data (digital goods/c12, 130-48) corresponding to the digital data (digital goods/c12, 130-48), and the auxiliary digital data (digital goods/c12, 130-48) includes validation period data indicating a period in which the encryption key (within database 290) may be used and limit period data indicating a

Art Unit: 3621

period in which the encrypted digital data may be reproduced (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

42. Referring to claim 58, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the validation period is in effect (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

43. Referring to claim 59 Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the limit period is in effect (see abstract, c8, 142-49, c9, 11-67, c11, 141-51).

44. Referring to claim 60, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the validation period is in effect (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

45. Referring to claim 61, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the limit period is in effect (see abstract, c8, 142-49, c9, 11-67, c11, 141-51).

46. Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific

Art Unit: 3621

limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

47. Applicant's arguments filed on January 27, 2009 have been fully considered but they are not persuasive.

48. As per claims 1-34, 44 & 58-61, Applicant argues "Walker does not disclose receiving buying request data representing a buying order and a buying condition for the encryption key for the encrypted digital data, the buying request data being transmitted through the communication network; receiving selling request data representing a selling request and a selling condition for the encryption key for the encrypted digital data, the selling request data being transmitted through the communication network; deciding a transaction price for the encryption key for the digital data corresponding to the received buying request data and the selling request data; and concluding buying transactions and selling transactions corresponding to the decided transaction price for the encryption key; wherein the encrypted digital data are converted into usable data by a decryption process performed in accordance with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted digital data may be reproduced (response pages 10-14)".

Art Unit: 3621

49. Walker teaches receiving buying request data representing a buying order and a buying condition for the encryption key for the encrypted digital data (digital goods/c12, l30-48), the buying request data being transmitted through the communication network (see fig.2, 5, c8, l42-49, c9, l1-67, c11, l41-51-central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer); receiving selling request data representing a selling request and a selling condition for the encryption key for the encrypted digital data (digital goods/c12, l30-48), the selling request data being transmitted through the communication network (see fig.9, 10, 14 and c8, l42-49 –central controller receiving selling request data with selling condition from a seller); deciding a transaction price for the encryption key for the digital data (digital goods/c12, l30-48) corresponding to the received buying request data and the selling request data (see c10, l40-56, c16, l46-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and concluding buying transactions and selling transactions corresponding to the decided transaction price for the encryption key for the encrypted digital data (digital goods/c12, l30-48) (see c9, l17-30 and c34, claim 23); wherein the encrypted digital data (digital goods/c12, l30-48) are converted into usable data by a decryption process performed in accordance with auxiliary digital data (digital goods/c12, l30-48) corresponding to the digital data (digital goods/c12, l30-48), and the auxiliary digital data (digital goods/c12, l30-48) includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted digital data may be reproduced (see abstract, fig.2, 5, c8, l42-49, c9, l1-67, c11, l41-51).

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

51. Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (8:30am -7:00pm), Friday off.

52. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

53. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

54. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

55. Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

SK
April 7, 2009

/EVENS J. AUGUSTIN/
Primary Examiner, Art Unit 3621